

House Bill 664

By: Representatives Golick of the 34th, Roberts of the 154th, and Smith of the 129th

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to provide for limitations relative to appearances before the Board of Corrections or the Department of Corrections by members of the General Assembly or state elected or appointed officials; to provide for criminal penalties; to change certain provisions relating to appearances before the Board of Pardons and Paroles by members of the General Assembly or state elected or appointed officials; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by adding a new Code Section 42-2-15 to follow Code Section 42-2-14 to read as follows:
"42-2-15.

(a) It shall be unlawful for members of the General Assembly or any other state elected or appointed official to appear before the board or department on behalf of a person under the jurisdiction of the board or department or advocate for a decision on behalf of such person.

Nothing in this Code section shall be construed so as to prohibit:

(1) Members of the General Assembly or state elected or appointed officials from appearing before the board or department when their official duties require them to do so;

(2) Members of the General Assembly or state elected or appointed officials from requesting information from the board or department;

(3) Members of the General Assembly or state elected or appointed officials from forwarding correspondence or communications received from third parties to the board or department, so long as the correspondence or communications are forwarded in substantially the same form in which they were received;

(4) Members of the General Assembly who are attorneys representing probationers from appearing before the board or department in connection with a probation revocation hearing; or

(5) The Attorney General, assistant attorney general, judge, district attorney, assistant district attorney, solicitor-general, assistant solicitor-general, or public defender while acting in his or her official capacity.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor."

SECTION 2.

Said title is further amended by striking Code Section 42-9-17, relating to appearances before the Board of Pardons and Paroles by members of the General Assembly or state elected or appointed officials, and inserting in lieu thereof the following:

"42-9-17.

(a) It shall be unlawful for members of the General Assembly or any other state elected or appointed official to ~~accept any compensation for appearing before~~ contact the board in ~~behalf of~~ with respect to a person under the jurisdiction of the board ~~and for seeking a decision on behalf of the person.~~ Nothing in this Code section shall be construed so as to prohibit:

(1) Members of the General Assembly or state elected or appointed officials from appearing before the board when their official duties require them to do so; ~~or~~

(2) Members of the General Assembly or state elected or appointed officials from requesting information from ~~and presenting information to the board on behalf of constituents when no compensation, gift, favor, or anything of value is accepted, either directly or indirectly, for such services;~~

(3) Members of the General Assembly or state elected or appointed officials from forwarding correspondence or communications received from third parties to the board, so long as the correspondence or communications are forwarded in substantially the same form in which they were received;

(4) The Attorney General, assistant attorney general, judge, district attorney, assistant district attorney, solicitor-general, assistant solicitor-general, or public defender while acting in his or her official capacity; or

(5) Members of the General Assembly who are attorneys representing clients from appearing before the board.

~~(b) Nothing in subsection (a) of this Code section shall be construed to apply to the acceptance of compensation, expenses, and allowances received by members of the~~

1 ~~General Assembly or any other state elected or appointed official for their duties as such~~
2 ~~members or officials.~~
3 ~~(c)(b)~~ Any person who violates subsection (a) of this Code section shall be guilty of a
4 misdemeanor."

5 **SECTION 3.**
6 All laws and parts of laws in conflict with this Act are repealed.